

AN ORDINANCE

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AUTHORIZING A LICENSE AGREEMENT FOR THE USE OF PUBLIC RIGHT OF WAY FOR AN EXISTING OVERHEAD PASSAGEWAY OVER AND ACROSS NOLAN STREET AT THE BUDCO FACILITY LOCATED AT 611 NOLAN STREET, AS REQUESTED BY THE PETITIONER, BUDCO, INC., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH MIS HERMANOS, L.L.C., ITS GENERAL PARTNER, FOR THE CONSIDERATION OF \$5,000.00 AND A TERM OF TEN (10) YEARS.

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WHEREAS, Budco, Inc., a Texas Limited Partnership acting by and through Mis Hermanos, L.L.C. its General Partner, as Petitioner, has requested a license to use Public Right of Way for an existing overhead passageway over and across Nolan Street at the Budco facility located at 611 Nolan Street between N.C.B. 545 and 559; and

WHEREAS, the Petitioner has agreed to pay a \$5,000.00 License Fee for a ten (10) year term commencing upon the effective date of the agreement; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, Development Services, and City Public Service through a letter agreement dated February 5, 2002; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A ten (10) year License Agreement is hereby authorized and approved between the City of San Antonio and **Budco, Inc., a Texas Limited Partnership acting by and through Mis Hermanos, L.L.C. its General Partner** ("Petitioner"), as Licensee, for the purpose of using the City of San Antonio's Public Right of Way for an existing overhead passageway over and across Nolan Street at the Budco facility located at 611 Nolan Street as shown on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. The City Manager or City Manager's designee is hereby authorized to execute a License Agreement and Memorandum of License Agreement, copies of which, signed by Licensee, are attached hereto as **Exhibit "B."**

SECTION 3. Approval of this License Agreement is contingent on Licensee's agreement to pay \$5,000.00 as a License Fee, due and payable within ten (10) days after the date of passage of this ordinance and further contingent on the specific conditions set forth in the letter agreement dated February 5, 2002 to which Licensee has formally assured compliance. A copy of the letter agreement is attached hereto and incorporated herein as if set out verbatim for all purposes as **Exhibit "C"**.

SECTION 4. The proceeds of the agreement shall be deposited into Fund No. 11-000 entitled "General Fund," Index Code No. 012732, entitled "License Agreements - Use of Row."

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 1st day of December, 2002.

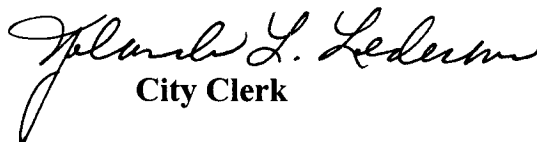
PASSED AND APPROVED this 21st day of November, 2002.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney